

COMPLAINTS ABOUT FOSTER FAMILY HOMES

A complaint is one means by which the public can actively assist in ensuring the on-going protection of children placed in foster family homes. Often a complaint alerts the Child Placing Agency (CPA - see definition below) to problems or irregularities which may not otherwise be observed or detected during routine visits. The purposes for the information discussed is to:

- Set forth the DHS policy for handling complaints about licensed foster family homes.
- Establish procedures for staff to follow when handling complaints.
- Explain the use of the Special Investigation Record, BCAL-259.

To facilitate the effective regulation of family foster homes, CPA staff are to respond to all complaints regardless of their source. They are to screen, log, investigate, and report complaints as outlined in this section.

Each special evaluation is to determine compliance with Act 116, Public Acts of 1973, the Child Care Organization Licensing Act, and compliance with the applicable licensing rules (See: BCAL Publication 10, Licensing Rules for Foster Family Homes and Foster Family Group Homes).

DEFINITION OF TERMS

Pertinent definitions to the complaint handling process are:

Child Placing Agency (CPA)

A local DHS office **or** a private agency licensed to certify foster homes for licensure.

Complaint

A communication, either written or verbal, containing single or multiple allegations, which alleges or implies noncompliance with the licensing statute, foster home licensing rules or terms of the

license. Two types of complaints referred to throughout this series are:

- **Formal Complaint:** A complaint in which the complainant agrees that their name may be recorded. A person who makes a formal complaint is entitled to receive a copy of the special evaluation findings.
- **Anonymous Complaint:** A complaint in which the complainant is not known or a request is made that the name not be used. If the complainant wishes to remain anonymous, the name must not be documented even if it is known. (See Handling Anonymous Complaints below for more information.)

Complainant

Person or other source, i.e., a newspaper article or event, which initiates a complaint.

Special Evaluation

A licensing evaluation resulting from the receipt of a complaint.

Special Evaluation Report

A narrative report which details the findings of a completed evaluation, makes a determination of compliance with Act 116 and the rules and recommends licensing action to be taken. The BCAL-3080, Foster Family Home Rule Compliance Record, is to be completed and attached to the report.

Special Evaluation Closure

The termination point of a special evaluation is when the evaluation report is written, approved, and transmitted to the foster parent(s).

INTAKE/ SCREENING PHASE

The purpose of this phase is to ensure that accurate information concerning the complaint is received, logged, screened and recorded. This phase also includes making appropriate referrals, if needed, to other units or agencies.

Handling Initial Contact with Complainant

Five steps must be completed when handling initial contact with a complainant are:

1. Gather as much information from the complainant as possible.
2. Inform the complainant of the CPA's role in determining whether Act 116, or an administrative rule(s) promulgated under Act 116 has been violated.
3. Explain that an assessment will be made as to the need for making a referral(s) to another agency.
4. Discuss, with the complainant, the possible consequences to the foster parent which may result from a complaint being filed, including the possibility of adverse licensing action.
5. Begin preliminary screening of the complaint.

Preliminary Screening

Preliminary screening of the complaint may result in one of the following actions:

- **No Further Action** - may result given the following conditions:
 - The complaint received does not involve alleged violations of Act 116 or the foster home licensing rules,
and
 - The complaint received does not require a collateral referral to be made.

Warranted and/or Required Referrals to Other Units

When a complaint is received that involves Act 116 or the foster home licensing rules, it may be necessary for the DHS licensing staff to coordinate its evaluation activities with appropriate placement and protective services staff and other affected agencies. Warranted and/or required referrals to other units or affected agencies may include, but are not limited to:

- Referral to the appropriate local office placement staff or to another agency that has borrowed the home.
 - In counties with more than one certification worker, licensing complaints must be transferred to another certification worker. If all certification workers have an established relationship with the family, the complaint should be transferred to another county.
 - In counties with only one certification worker, licensing complaints must be transferred to another county. The transfer must occur by immediate telephone contact, followed by faxing the Special Investigation Record, BCAL 259.
 - Northern Area counties must alert the Northern Area manager or designee for monitoring when they receive a complaint involving a licensed foster home.
 - Area offices will work with their county directors to develop an Area coverage plan, which must be shared with Outstate Operations. Area offices will monitor the number and outcome of complaints received on licensed foster homes on a quarterly basis.
- Referral to Children's Protective Services (CPS).
 - Any action regarding a CPS complaint on a DHS licensed foster home must have second line review and approval. This includes rejected complaints, substantiations and denials.
 - If a CPS worker has an established relationship with the family, the complaint should be assigned to another worker. If all CPS workers in the county have an established relationship with the family, the complaint should be transferred to another county.
- Referral to law enforcement.

Referral to CPS

- **Immediately** contact CPS whenever a complaint regarding suspected abuse or neglect is received.
- Share pertinent information gained during the course of the evaluation.

- Transmit a copy of the written special evaluation report to CPS upon completion.

Handling Anonymous Complaints

If the complainant expresses a desire to remain anonymous, staff must inform the complainant that:

- Information gained solely from an anonymous complaint cannot be used as supporting documentation or evidence, but only as a source of “leads” to gain credible evidence; for example, using the anonymous complaint to locate witnesses who directly observed the situation described.
- The complaint will be acted upon, but that without the complainant being willing to identify her/himself, staff must verify the area(s) of noncompliance by direct observation or statements from others in order to gather credible evidence.
- The complainant will not automatically receive a copy of the special evaluation report.
- The anonymous complainant is encouraged to call back if they have additional information.

Do not record the name of a person who wishes to remain anonymous, or any other information which could potentially identify the anonymous complainant. The identity of the anonymous complainant is to be protected.

Record in the certifying staff's working notes other information provided by the anonymous complainant, such as the nature of the complaint, priority, date and time the call was received, other parties involved, and persons suggested to be contacted without indicating the anonymous source.

Logging Complaints

Record complaints using the Special Investigation Record, BCAL-259. Supervisory staff should monitor the appropriate and timely handling of complaints.

- Within five working days from the receipt of the complaint, a copy of the BCAL-259 is to be sent to the Bureau of Children

and Adult Licensing (BCAL). The information contained on the BCAL-259 will be put into the DHS Bureau Information Tracking System (BITS). A special investigation log number will be assigned and a turnaround BCAL-259 sent to the CPA.

SPECIAL EVALUATION PHASE

Appropriate strategy for a special evaluation is determined by the following factors:

- Nature of the complaint.
- Urgency of the situation.
- Need for coordination among various units or agencies.

Determining the Degree and Nature of the Complaint

To determine the nature of the complaint and the urgency of the situation, clear and detailed information should be gathered during the preliminary screening. This is particularly true when the complainant wishes to remain anonymous.

Guidelines for determining the nature and urgency of the complaint fall into four primary areas, arranged below by the degree of risk from high to low.

- **High Risk** - Immediate threat to the life, safety or welfare of foster children in care (CPS complaint required).
- **Moderate Risk** - Potential threat to the life, safety or welfare of foster children in care. In this situation, the threat does not appear to be immediate (CPS complaint required).
- **Low Risk** - Allegations involving possible rule violations that may or may not have a direct impact on the safety of a foster child in care. Those foster children receiving care are not considered to be in immediate danger.
- **A CONCERN IS VOICED**. After talking to the complainant, it is found that the concern is not related to Act 116 or rule compliance.

General Guidelines

General guidelines for conducting a special evaluation are:

- Inform the foster parent named in the complaint that a complaint has been received.
- Conduct a scheduled or unscheduled visit depending on the nature of the complaint. Unscheduled visits must be approved by the supervisor.
- Communicate the nature of the complaint received at the time of the home visit.
- Inform the foster parents that they have an option to involve a person of their choice in any interviews with them if the involvement does not impede the timely completion of the evaluation. (See CFP 713-3, Presence of Support Persons During Interviews of Adults for more information.)
- Inform the foster parent that written confirmation of the findings will be forwarded upon completion of the investigation. Be alert to other possible licensing rule violations when conducting the home visit.
- Provide an opportunity for the foster parent to thoroughly respond to the complaint and to the alleged rule or Act 116 violations. This approach may serve to reduce anxiety experienced by the foster parent.
- Before completion of the written report, the must provide the foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.
- Confirm the home visit in writing. The Foster Family Home Rule Compliance Record, BCAL-3080, is to be completed. Inform the foster parent that if further evaluation is warranted, scheduled and/or unscheduled visits, as well as contact with collateral resources, may be necessary.

High Risk - Immediate Threat Procedure

- Begin the evaluation within one working day. This does not necessarily mean that a home visit must be conducted within one working day, but that some other investigative activity, such as a collateral referral to the units having jurisdiction in the area, should be made (e.g., calls to the health department,

fire department, police, protective services, or appropriate placement staff).

- An unscheduled visit may be conducted only with prior supervisory approval. If a visit is unscheduled the licensing worker must make a referral to CPS if not already done. See Coordination with CPS below and CFF 722-13, New Complaints of Abuse and/or Neglect for more information.

Moderate Risk - Potential Threat Procedure

- Evaluation is to begin within one (1) to five (5) business days. The more serious the risk, the sooner the evaluation must begin. A collateral referral may be necessary.
- Complaints of this degree require staff to determine the best possible time to conduct the home evaluation. Within five working days, licensing staff are to schedule the time and date of the home visit depending on the allegations and the preliminary action plan. (See High Risk above for procedures if an unscheduled home visit is determined to be necessary.)

Low Risk - Allegations Involving Possible Rule Violations Procedure

- Evaluation is to begin within five working days.

Although preferred, home visits do not have to be made within five (5) business days.
- Complaints of this degree are such that visits to the foster home may be scheduled at the mutual convenience of the foster parent and certification staff. Most home visits are announced.

A Concern is Voiced Procedure

- In circumstances where staff has determined that allegations made by a complainant are not related to licensing requirements, a special evaluation is not necessary.

- If determined to be necessary, a referral is to be made to other units within one to two working days.
- Certification staff may provide the person contacting the CPA with information regarding their responsibilities and encourage the person to contact the foster parent directly about her/his concerns.
- Certification staff may wish to notify the foster parent that they received the complaint and discuss the response with regard to the complaint.
- If requested by the foster parent, certification staff are to provide consultation to the foster parent regarding the issues of concern.

Collateral Coordination of Special Evaluations

The special evaluation is to be coordinated with other investigative units to the extent practical, but not to the point of compromising the certification responsibility. Copies of pertinent correspondence and findings should be shared with children's protective services, placement staff and law enforcement.

Coordination with Children's Protective Services (CPS)

- An independent special evaluation must be conducted even when a CPS investigation occurs. These may occur at or near the same time. In some circumstances, CPS and licensing staff may interview the same person at the same time. It is essential that the family under investigation and the respective licensing and protective services investigating staff are clear that these are separate and distinct investigations. The confidentiality provisions of the Child Protection Law must be respected (see SRM 131, Confidentiality - Child Protective Services Records). Completed special evaluation reports are available to the public upon request, but CPS reports are not.
- When licensing evaluations and CPS investigations are being conducted simultaneously, the licensing evaluation is to be

based on facts acquired by licensing staff. The evaluation is not to be based on any of the facts separately acquired through the CPS investigation unless authorization to release information can be obtained according to law (see SRM 131, Confidentiality - Child Protective Services Records).

Coordination with Placement

When the substance of the preliminary findings gives reasonable cause to believe that a youth is at risk or the target of exploitation, an immediate referral should be made to the responsible placement services staff or to the agency which has borrowed the home. (See CFF 722-3, Replacement.)

SPECIAL EVALUATION REPORT WRITING PHASE

The special evaluation report outline described below is to be used to record evaluation results. The evaluation must be completed within 45 calendar days after receipt of the information. If additional time is required, the agency must inform the foster parent, in writing, of the basis for the extension (Rule 400.12316).

Special Evaluation Report Format

- Foster Parent Identification:
 - Name of foster parent.
 - Address.
 - License number.
 - License date (effective date and end date).
 - License status.
 - License terms.
- Summary of Complaint Allegations - Give date and source of the complaint. When the source of the complaint is anonymous, indicate that. Summarize each of the allegations.
- Level of risk identification - Assign a level of risk to the complaint using guidelines discussed in "Determining the Degree and Nature of the Complaint." Use the procedure for the risk level identified.

- Licensing requirements allegedly in noncompliance - Identify the part of the statute, the specific rule (by number), or the terms of the license alleged to be in noncompliance.
- Methods used in conducting the special evaluation.
 - Date the special evaluation began.
 - Dates of home visit.
 - Names and ages of child(ren*).
 - Dates and names of persons interviewed and the relationship of interviewee to the subject of the evaluation. If foster children are interviewed, *use first names only and attach a code sheet to the completed report.
 - Records and documents reviewed.
 - Names of certification and other staff assigned to the special evaluation.
- Findings - Summarize content of interviews, including quotes from specific individuals; describe the home conditions; describe marks or injuries to a child; and provide facts and evidence gathered related to each of the allegations.
- Conclusions - Decisions reached as a result of the evaluation are to be based on the findings as presented above and should clearly state that compliance or noncompliance exists related to each allegation.

An BCAL-3080 which indicates compliance or noncompliance with each rule being evaluated is to be attached to the evaluation report.

- 8.Recommendation - The recommendation for the licensing action to be taken as a result of the evaluation is to be stated as:
 - No change in license status;
 - Reduction in licensed capacity;
 - Revocation of license;
 - Refusal to renew license;
 - Denial of issuance of a license;
 - Modification to provisional license; or
 - Renewal to provisional license.

When an Act 116, licensing rule, or term noncompliance exists and the recommendation is (a) no change in license status, (b) reduction in capacity, (f) modification to provisional, or (g) renewal to provisional license, a corrective action plan to bring the foster parent into compliance with the Act, all rules and terms of the license must be negotiated with the licensee(s). (Rule 400.12314)

- Any change in the agency's recommendation regarding the number, sex, age, and specific characteristics of children who may be placed is to be based upon the documentation contained in the summary and conclusions of the report.
- Signatures.

All special evaluation reports are to be signed and dated. The worker and the supervisor are to sign the report along with any other signatures the CPA requires.

A copy of the completed, signed, dated special evaluation report is to be sent to the foster parent within 10 calendar days of completion. Inform the foster parent, in writing, that s/he has a right to have his/her written response included as an attachment to the report. A copy of the BCAL-3080 completed as a part of the special evaluation is to be included.

Note: The "Summary of Complaint Allegations" and "Licensing Requirements Allegedly in Noncompliance" of the Special Evaluation Report outline may be combined if, in the judgment of licensing staff, it enables a clearer understanding of the connection between the complaint and potential rule violations

Recommendation for Provisional License

If the agency is recommending a provisional license, the BCAL-3706 and a copy of the signed Corrective Action Plan are to be sent to the Department of Human Services, Bureau of Children and Adult Licensing. A provisional license will not be effective prior to the date all licensees and the agency have signed the corrective action plan and the recommendation is received by BCAL and entered into the BCAL data base.

The turnaround BCAL-259 (Special Investigation Record) is to be completed indicating how the complaint was resolved. The white copy of the completed BCAL-259 is to be forwarded to BCAL.

Adverse Action

All special evaluation reports resulting in a recommendation for adverse action should be sent, along with other documentation and required forms for processing to the Department of Human Services, Bureau of Children and Adult Licensing.

**Licensing File
Maintenance**

A copy of the Special Investigation Record (BCAL-259), the Foster Home Rule Compliance Record (BCAL-3080), and any additional documents which were used in completing the evaluation are to be filed in the licensing file. There is no expungement of licensing special evaluation reports regardless of the findings.